



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,416	10/15/2001	Holger Weiss	33148.008	1455

7590

02/20/2003

Goodwin Procter  
599 Lexington Avenue  
New York, NY 10022

EXAMINER

UPTON, CHRISTOPHER

ART UNIT

PAPER NUMBER

1724

7

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
868416Applicant(s) Wesley A. J.Examiner UptonGroup Art Unit  
1724

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit 1724

1. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The method claims should recite a positive sequence of process steps, and the apparatus claims should recite positive structure. For example, in claim 1, "with the use of" and "the manufacture of" are indefinite, while in claim 6, "manufactured" and "is envisioned" are indefinite. In claim 8, it is not recited how the reactors are connected. While the use of figure reference numbers in claims is permissible, the claims should be complete without requiring reference to the drawings for understanding.

In claim 2, "bottom fond" is irregular language. Also, the perforated feed line (3) of the claim is different from the gravel casing well disclosed in the specification.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Art Unit 1724

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by German application 197 15 038.

The German application discloses multiple treatment wells having interior walls, which cause an upflow of heavier contaminants and downflow followed by upflow of intermediate and lighter contaminants, as claimed.

4. Claims 1 and 3-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Savage et al.

Savage discloses multiple treatment wells (see column 5, lines 41-46) having interior walls, which cause an upflow of heavier contaminants and downflow followed by upflow of intermediate and lighter contaminants, as claimed.

5. Claims 1, 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by the patents to Bernhardt (US 5,143,606 and 5,403,476; and German 39 31 012 and 40 01 011).

Claims 1, 3 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernhardt (5,910,245).

Art Unit 1724

The patents to Bernhardt disclose treatment wells having lower inlets for contaminated water and upper outlets for treated water, as claimed.

6. Claims 1, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Cherry et al or Blowes et al.

Cherry and Blowes disclose multiple treatment wells, as claimed.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1, and further in view of Japanese patent abstract 4-97028 or the Rott et al "In situ Aufbereitung.." article.

Claim 2 differs from claim 1 in recitation of horizontal feed lines. It is known to use horizontal feed lines into a well, as exemplified by the Japanese abstract and the Rott et al article. It would therefore have been obvious for one of ordinary skill in the art to add such lines to the system used for the method of claim 1, to improve water collection.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other references of interest include Kennedy et al and Hurley.

9. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.



**CHRISTOPHER UPTON**  
**PRIMARY EXAMINER**